

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

DAMION BARNES	§	
VS.	§	CIVIL ACTION NO. 1:18cv507
WARDEN FCI BEAUMONT	§	

ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Damion Barnes, an inmate at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se*, brought the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends this action be dismissed without prejudice for want of prosecution.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. Petitioner filed a motion for recognition of paid fees (docket entry no. 7). Liberally construed, petitioner's filing is interpreted as objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).


After careful consideration, the Court concludes petitioner's objections are without merit. While petitioner argues a family member paid the filing fee, there is no indication of receipt of the

filing fee on the case docket, nor did petitioner provide any tangible proof of payment of the filing fee. Petitioner has had ample time to pay the filing fee as ordered and yet has failed to comply with the order of the Court. Petitioner may reinstate the above-styled action on the Court's active docket by paying the filing fee or filing a motion for reconsideration showing proof of payment within thirty (30) days from the date of this order.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

**SIGNED** this the 25 day of **April, 2019**.

  
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Thad Heartfield  
United States District Judge